

Message

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**From:** Mastro.Donna@epa.gov [Mastro.Donna@epa.gov]  
**Sent:** 1/14/2020 10:08:54 PM  
**To:** Patrick O'Neill [Patrick.O'Neill@phila.gov]  
**CC:** Dennis Yuen [Dennis.Yuen@phila.gov]  
**Subject:** Re: Request for comment on PES benzene emissions from E&E and NBC

## Ex. 5 Attorney Work Product (AWP)

Donna L. Mastro | Deputy Regional Counsel for Enforcement | EPA Region III Office of Regional Counsel | (215) 814-2777

On Jan 14, 2020, at 4:57 PM, Patrick O'Neill <Patrick.O'Neill@phila.gov> wrote:

## Ex. 5 Attorney Work Product (AWP)

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone

----- Original message -----

**From:** "Mastro, Donna" <Mastro.Donna@epa.gov>  
**Date:** 1/14/20 11:44 AM (GMT-05:00)  
**To:** Patrick O'Neill <Patrick.O'Neill@Phila.gov>  
**Cc:** Dennis Yuen <Dennis.Yuen@phila.gov>  
**Subject:** RE: Request for comment on PES benzene emissions from E&E and NBC

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## Ex. 5 Attorney Work Product (AWP)

Donna L. Mastro | Deputy Regional Counsel for Enforcement | US EPA Region III ORC | (215) 814-2777 | fax (215) 814-2603

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**From:** Patrick O'Neill <Patrick.O'Neill@Phila.gov>  
**Sent:** Tuesday, January 14, 2020 11:43 AM  
**To:** Mastro, Donna <Mastro.Donna@epa.gov>  
**Cc:** Dennis Yuen <Dennis.Yuen@phila.gov>  
**Subject:** RE: Request for comment on PES benzene emissions from E&E and NBC

### Ex. 5 Attorney Work Product (AWP)

Patrick K. O'Neill Esq.  
Divisional Deputy City Solicitor, Environmental Law  
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1515 Arch Street  
Philadelphia, PA 19102  
215-683-5172 (phone)  
215-683-5175 (fax)  
[patrick.oneill@phila.gov](mailto:patrick.oneill@phila.gov)

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**From:** Mastro, Donna <[Mastro.Donna@epa.gov](mailto:Mastro.Donna@epa.gov)>  
**Sent:** Tuesday, January 14, 2020 11:42 AM  
**To:** Patrick O'Neill <[Patrick.ONeill@Phila.gov](mailto:Patrick.ONeill@Phila.gov)>  
**Subject:** FW: Request for comment on PES benzene emissions from E&E and NBC

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## Ex. 5 Attorney Work Product (AWP)

Donna L. Mastro | Deputy Regional Counsel for Enforcement | US EPA Region III ORC | (215) 814-2777 | fax (215) 814-2603

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**From:** Stoltzfus, Robert <[Stoltzfus.Robert@epa.gov](mailto:Stoltzfus.Robert@epa.gov)>

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**From:** Patrick O'Neill <[Patrick.ONeill@Phila.gov](mailto:Patrick.ONeill@Phila.gov)>  
**Sent:** Tuesday, January 14, 2020 9:53 AM  
**To:** Stoltzfus, Robert <[Stoltzfus.Robert@epa.gov](mailto:Stoltzfus.Robert@epa.gov)>; Augustine, Bruce <[augustine.bruce@epa.gov](mailto:augustine.bruce@epa.gov)>; Shine, Brenda <[Shine.Brenda@epa.gov](mailto:Shine.Brenda@epa.gov)>  
**Cc:** Dennis Yuen <[Dennis.Yuen@phila.gov](mailto:Dennis.Yuen@phila.gov)>  
**Subject:** FW: Request for comment on PES benzene emissions from E&E and NBC

## Ex. 5 Attorney Work Product (AWP)

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----- Original message -----

From: Corbin Hiar <[chiar@eenews.net](mailto:chiar@eenews.net)>

Date: 1/13/20 7:22 PM (GMT-05:00)

To: Press <[Press@Phila.gov](mailto:Press@Phila.gov)>, James Garrow <[James.Garrow@phila.gov](mailto:James.Garrow@phila.gov)>

Cc: Lisa Riordan Seville <[lriordanseville@gmail.com](mailto:lriordanseville@gmail.com)>

Subject: Request for comment on PES benzene emissions from E&E and NBC

**External Email Notice. This email comes from outside of City government. Do not click on links or open attachments unless you recognize the sender.**

Hi, I'm working on a story with NBC News about public health dangers posed by the consistently high benzene emissions from the PES refinery that's set to run Wednesday morning.

EPA data show that the refinery exceeded the benzene emissions limit for all but 12 weeks from the end of January 2018 to late September 2019 -- an 86-week span. For the most recent quarter, the refinery's average annual benzene emissions were also 49 micrograms per cubic meter. That was higher than any other refinery that reported data to EPA and five times above the agency's benzene "action level."

The Kenney administration has known about the refinery's benzene problem since at least last June, according to its [corrective action plan](#). But members of the Refinery Advisory Group say they weren't informed of the excessive emissions. And people who live around the refinery told us they felt the city wasn't taking into account their views and concerns.

What is the city doing to reduce the PES emissions, which actually increased after the explosive fire? Why hasn't the city done more to address the problem and protect residents -- many of whom are people of color living below the poverty line -- from the carcinogenic gases? Why hasn't the city informed the public and PES bidders of the refinery's benzene problems? To what extent is the city's silence on the issue driven by concerns about upsetting PES, labor leaders and/or potential bidders?

Please get back to us with any comments by the end of Tuesday, Jan. 14.

Thanks,  
Corbin

**Corbin Hiar**  
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